

had been called. Although the hustlers were able to identify Burke, the police refused to arrest him until Guillet complained that he too had been assaulted.

In sentencing Burke, the judge said, "As far as I'm concerned you acted like nothing but a hood." The judge then accused Burke of making "trouble for other people... simply because they're a little bit different" and compared him to someone who would "kick a lame man because he's not the same as you are."

In light of incredible anti-gay statements made by provincial court judges during bawdyhouse trials a year and a half ago, these remarks came as something of a surprise to Edmonton's gay community. To the best knowledge of gay leaders here, this is the first time that a queerbasher has been brought to justice.

For the past two summers there have been numerous reports of assaults on gays and hustlers on or near McDonald Drive, but police have failed to take action. Relations between gays and Edmonton police have been poor since the May 1981 raid on the Pisces Health Spa.

Nils Claussion □

Cabaret tear-gassed, soldier faces charges

VICTORIA — A serviceman from Canadian Forces Base Work Point, near Victoria, faces a number of charges after allegedly releasing a tear gas grenade December 11 in the washroom of a Victoria gay bar.

The grenade forced more than 100 Saturday night patrons of Pal's Cabaret, a well known Victoria gay establishment, to crowd down a narrow stairwell into the street. The gas made several people ill, and one had to be treated by paramedics at the scene. No one was seriously injured.

Brent Carmichael, assistant manager at Pal's, told *TBP*: "It was a terrorist activity. The fire marshal has told us the grenade could easily have started a fire. As it was, it almost blinded everyone." The suspect, according to Carmichael, had been noted previously at Pal's and at another nearby gay bar, but had not been thought to be hostile.

Since the attack, Pal's has "had really good support" from the gay community, Carmichael noted. "(The bombing) made people realize that things can go a bit farther than usual, that it's a thin line to violence and terrorism." It took the cabaret staff several days to ventilate residual gas from the building.

According to a military spokesman, Trent David Dingman, 22, is currently spending 30 days in a military prison in Edmonton for stealing, transporting and storing the grenade. His civilian trial is scheduled to take place on April 22.

Richard Summerbell □

City prostitution law overturned by court

OTTAWA — Following a recent Supreme Court of Canada ruling that a Calgary anti-prostitution bylaw is unconstitutional, the federal government is being urged to amend the Criminal Code so that police forces can more easily crack down on prostitutes.

The Calgary bylaw was struck down January 25 because the city had infringed on criminal law which is under federal jurisdiction. So, once again, several municipalities are turning to Ottawa for help. They want the Criminal

Code amended so that soliciting need not be (as it now must be) "pressing and persistent" to be an offence.

Justice minister Mark MacGuigan, however, is reluctant to amend the Code because he's not certain that prostitution "is a national problem."

Other federal politicians, including Judy Erola, the minister responsible for the status of women, are determined to avoid changes in the law that would allow police to arbitrarily harass innocent women and men. The "pressing and persistent" qualification was designed to prevent this kind of abuse.

Tory justice critic Ray Hnatyshyn favours amending the Code and thinks that MacGuigan is "copping-out" because "the government doesn't want to regulate social mores."

If the government is indeed shying away from regulating morality, it seems not unwilling to give that power to municipalities. MacGuigan said he is seeking a way for Ottawa to delegate its authority over some criminal law to local governments. This could mean empowering municipalities to pass bylaws such as the one defeated in Calgary.

Meanwhile, Calgary prostitutes are sporting "Yes We Can" buttons, and in Vancouver charges against 300 men and women laid under that city's anti-prostitution bylaw have been dropped. In Toronto police continue their harassment of prostitutes by laying charges of loitering or counselling to commit an indecent act.

Prostitution itself is not illegal in Canada.

Danny Cockerline □

Accused "not guilty" in entrapment cases

TORONTO — Provincial Court judges recently dismissed charges laid against two gay men netted in police entrapment operations.

Both men were arrested last summer in Etobicoke's Marie Curtis Park by plainclothes officers posing as gay men, and were charged with indecent assault. One of the men was further charged with

committing an indecent act.

In the first case the Crown alleged that the defendant had approached a plainclothes officer and asked him to come to a more secluded area of the park. There, the Crown claimed, the man began to masturbate himself and groped the officer. At this point the arrest took place.

While he accepted the Crown's evidence at face value, Judge J J Belobradic dismissed the indecent assault charge. He concluded that the accused "held a mistaken belief" that the officer also was looking for "what may be called a homosexual encounter." An essential part of the charge of indecent assault is intent to carry out the act "either knowing the complainant does not consent or recklessly not caring whether there is consent or not," he ruled.

The charge that the accused "did wilfully commit an indecent act, to wit expose his private parts in a public place in the presence of one or more persons," fared no better. The judge ruled, "There must be at least a reasonable doubt as to whether the accused thought the complainant was participating." He added, "If the complainant acts in such a way as to induce the accused to believe erroneously that the complainant is participating... the complainant ought not to be treated as a 'person' within the meaning of Section 169 (of the Criminal Code)."

On November 29, 1982, Provincial Court Judge V A Lampkin similarly dismissed a charge of indecent assault against another man who, the Crown alleged, had grabbed a police officer's crotch. Evidence before the court was that the officer, dressed in casual clothes, had been walking back and forth in the park and glancing at the accused before the "assault" took place. The officer testified that his repeated glances were only for the purpose of observing the accused. The accused had reached a different conclusion.

Lampkin ruled that, given the area's reputation as "a known homosexual park" and the officer's behaviour, the accused's conclusion that the officer was cruising him, was "an honest belief that there was consent."

Both cases illustrate that when the police resort to entrapment to make arrests, there are legal pitfalls for the police, as well as certain defences for their victims.

Recent reports reaching *TBP* indicate that there has been an upsurge of entrapment-related arrests by police in the third-floor washroom at the Yonge and Bloor Hudson's Bay Company store. Patrons using the Bay facilities are urged to be wary.

Bill Loos □

LABOUR

Bathhouse workers form landmark union

TORONTO — The Roman's II Health Spa has become the first of the city's gay-run bars and baths to be unionized. Union reps sat down with management February 10 to begin negotiations for the staff's first collective agreement.

The man responsible for convincing workers to organize was Darryl Arsenault. Roman's owners Jayne and Robert Taylor chose to dispense with the usual Labour Relations Board hearing and agreed to certification.

Employees now belong to Local 725 of the United Food and Commercial Workers and Arsenault, chosen by staff to represent them at negotiations, immediately became the union's first test case. He was abruptly fired after he could not return to work at the end of a short medical leave of absence for a back injury sustained while lifting loads of towels in the establishment's laundry.

At a complaint hearing February 2, a Labour Relations Board chairman urged the two sides of the dispute to settle immediately outside of arbitration. Later the same day, the Roman's agreed to rehire Arsenault as soon as he was able to return to work.

The Roman's lawyer at the hearing was a partner in the law office of Donald J McKillop, considered in labour circles to be one of the city's half-dozen anti-union legal firms.

EJ □

Red Cross: resisting AIDS panic

TORONTO — The Canadian Red Cross Society, the agency responsible for virtually all blood collection in this country, has resisted pressure from at least one anti-gay organization to ban blood donations from homosexuals. The Red Cross has opted for the same cautious policies as its American counterpart in the face of rising concern about diseases transmitted by blood transfusion.

Three of the largest blood-banking associations in the United States issued a joint policy statement in January that said questions about a person's sexual orientation would be "inappropriate" and "ineffective" in eliminating donors with the acquired immune-deficiency syndrome (AIDS) symptoms.

"We go along with the joint statement made in the U.S.," said Dr Derrick. "The evidence is not conclusive enough for us to change our blood-collection patterns. We are not taking any precipitous action." He added that the Red Cross was concerned about the privacy rights of donors as it was about the health risk to recipients.

Meanwhile, a Toronto-based anti-gay group called Positive Parents has asked that all homosexuals "refrain from donating blood until a cure for AIDS is

found."

Flyers produced by Positive Parents began to appear in the city in early February. Despite a complete lack of medical evidence to support their claims, the flyers confidently assert that homosexuals are the major carriers of AIDS, and that AIDS is transmissible through blood transfusions. Positive Parents chairman Stew Newton told *TBP* the flyers, headlined "Are you aware?", have been distributed to medical staff in every hospital in the city and at several downtown street corners.

Newton has also written to federal and provincial health ministers and other medical officials calling for an inspection programme to test employees of "all known homosexually operated businesses of a public nature, such as Crispins Restaurant and the St Charles Tavern" in order to "determine if they are AIDS carriers." The flyers request that "all known homosexual encounter centres such as bawdy bathhouses be shut down at once and that all known homosexual dining and drinking establishments display notices warning patrons of the danger of AIDS contamination."

Newton said that so far health authorities have been unwilling to take up

his suggestions because they would be "socially unpopular," but he hopes his campaign will "get them off their butts." Unlike the entire medical profession at the moment, Newton claims to have documentation proving AIDS is caused by a virus and that homosexuals are its major carriers.

Dr Derrick said that if evidence eventually became clear that blood transfusions and AIDS transmission are related, it would be necessary to institute stricter screening of blood donors. At such time, the Red Cross would follow the stated American policy of going to leaders of the gay community for help in conveying information to potential donors.

The Red Cross as well as the Canadian Hemophilia Society are currently involved in the design of a collaborative study of gay men and hemophiliacs which will investigate the causes of AIDS. The nine-person team, which also includes experts in infectious diseases, cancer research and epidemiology, is currently preparing grant applications for funds to conduct a three-year-long formal study in the Toronto area.

According to Dr Gordon Jessamine, Chief of Field Epidemiology of Health and Welfare in Ottawa, as of February 7 there were 26 cases with AIDS-like symptoms reported in Canada, of which 16 are gay men. Ten of the 16 have died.

Ed Jackson □